

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CASE NO. 7:20-cv-041
§
0.499 ACRES OF LAND, MORE OR LESS, §
SITUATE IN HIDALGO §
COUNTY, STATE OF TEXAS; AND §
IRMA GARZA, ET AL., §
§
Defendants. §

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules "C" and "D."

6. The interest being acquired in the property described in Schedules "C" and "D" is set forth in Schedule "E."

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule "F."

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule "G."

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of the property described in Schedules "C" and "D" be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: s/ N. Joseph Unruh
N. JOSEPH UNRUH
Assistant United States Attorney
Southern District of Texas No. 1571957
Texas Bar No. 24075198
1701 W. Bus. Hwy. 83, Suite 600
McAllen, TX 78501
Telephone: (956) 618-8010
Facsimile: (956) 618-8016
E-mail: Neil.Unruh@usdoj.gov

SCHEDULE A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, and the Act of Congress approved February 15, 2019, as Public Law 116-6, div. A, tit. II, Section 230, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Hidalgo County, Texas

Tract: RGV-WSL-2015

Owner: Irma Garza, et al.

Acres: 0.499

BEING a 0.499 of one acre (21,749 square feet) parcel of land, more or less, being out of the Narciso Cabazos Survey, Abstract No. 30, Hidalgo County, Texas, being out of Porción 71 and being out of a called 0.50 acre tract conveyed to Irma Garza by Warranty Deed recorded in Instrument No. 2009-1991911, Official Records of Hidalgo County, Texas, said 0.499 of one acre (21,749 square feet) parcel of land being more particularly described by metes and bounds as follows;

COMMENCING at a set 5/8" rebar with a "MDS" cap stamped "RGV-WSL-2012-4", said point having a coordinate value of N=16557061.600, E=1090193.886, said point being at the southeast corner of a tract of land conveyed to F.E. and J.A. Knapp Limited Partnership by Special Warranty Deed recorded in Volume 2832, Page 949, Deed Records of Hidalgo County, Texas ("River Farm, Tract A"), said tract being out of Lot 102 of San Juan Plantation recorded in Volume 3, Page 52, Map Records of Hidalgo County, Texas, said point being in the north right-of-way line of Old Military Road;

THENCE N 85°41'32" E, with the north right-of-way line of Old Military Road, a distance of 164.59 feet to a set 5/8" rebar with a "MDS" cap stamped "RGV-WSL-2015-1" for the **PLACE OF BEGINNING** and southwest corner of the herein described proposed acquisition tract, said point having a coordinate value of N=16557073.963, E=1090358.013, said point being in the north right-of-way line of Old Military Road, said point being at the southwest corner of the 0.50 acre tract, said point bears N 88°20'30" E, a distance of 2871.01 feet from United States Army Corps of Engineers Control Point No. 110, said control point being a mag nail in the north end of the east concrete headwall at the intersection of "I" Road and the Hidalgo County Water Improvement District No. 2 canal lateral;

(1) **THENCE** N 08°40'52" E, (N 08°44'00" E, Record) departing the north right-of-way line of Old Military Road, with the west line of the 0.50 acre tract, a distance of 166.67 feet to a point for the northwest corner of the herein described proposed acquisition tract, said point being at the northwest corner of the 0.50 acre tract, the southeast corner of the river levee right-of-way conveyed to the United States of America by Easement Deed recorded in Volume 434, Page 384, Deed Records of Hidalgo County, Texas ("80-H") and the southwest corner of the river levee right-of-way conveyed to the United States of America by Easement Deed recorded in Volume 434, Page 383, Deed Records of Hidalgo County, Texas ("79-H");

(2) THENCE S 88°13'41" E, (S 88°06'00" E, Record) with the south line of the "79-H" levee right-of-way and the north line of the 0.50 acre tract, a distance of 138.24 feet to a point for the northeast corner of the herein described proposed acquisition tract, said point being at the southeast corner of the "79-H" levee right-of-way and the northeast corner of the 0.50 acre tract, said point being in the west line of the river levee right-of-way conveyed to the United States of America by Easement Deed recorded in Volume 442, Page 392, Deed Records of Hidalgo County, Texas ("78-H, Tract 3") and the west line of a tract of land conveyed to KVS Family Limited Partnership by Warranty Deed with Vendor's Lien recorded in Instrument No. 2002-1048589, Official Records of Hidalgo County, Texas ("Tract II"), said tract being out of Lot 103 of San Juan Plantation recorded in Volume 3, Page 52, Map Records of Hidalgo County, Texas, said point being in the approximate centerline of San Juan Road;

(3) THENCE S 08°40'08" W, (S 08°44'00" W, Record) with the east line of the 0.50 acre tract, the west line of the "78-H, Tract 3" levee right-of-way and the approximate centerline of San Juan Road, a distance of 150.26 feet to a set 5/8" rebar with a "MDS" cap stamped "RGV-WSL-2015-4" for the southeast corner of the herein described proposed acquisition tract, said point being in the north right-of-way line of Old Military Road, the west line of the "78-H, Tract 3" IBWC levee right-of-way and the approximate centerline of San Juan Road, said point being at the southeast corner of the 0.50 acre tract;

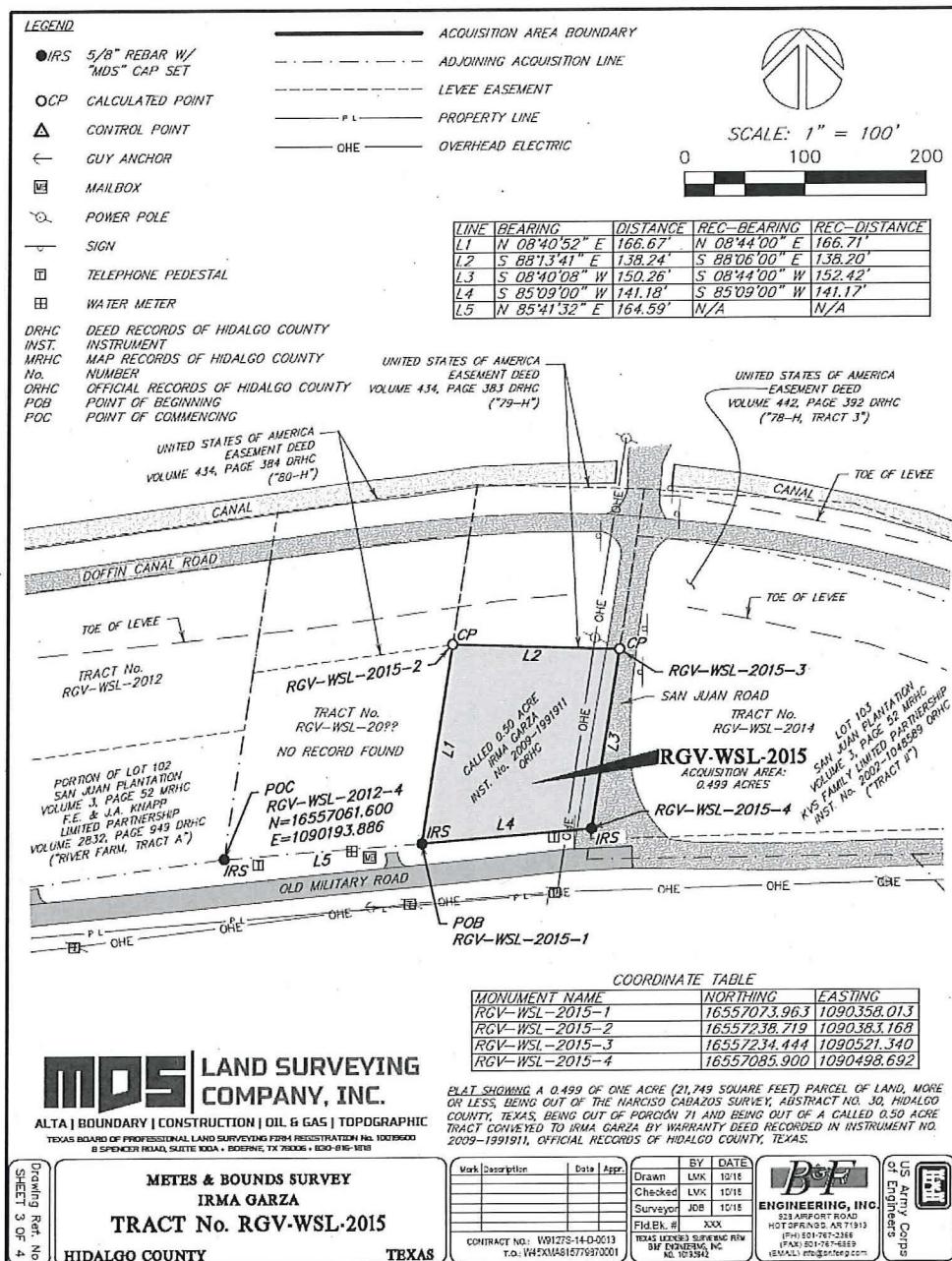
(4) THENCE S 85°09'00" W, (S 85°09'00" W, Record) departing the approximate centerline of San Juan Road, with the north right-of-way line of Old Military Road and the south line of the 0.50 acre tract, a distance of 141.18 feet to the **PLACE OF BEGINNING** containing 0.499 of one acre (21,749 square feet) of land, more or less.

Note: The bearings, distances, and coordinate values recited herein are based on the Texas State Plan Coordinate System, referenced to NAD83 (2011), TX South Zone (4205), US Survey Feet, using the CORS (2011) Adjustment. The distances and coordinates recited herein are grid values and may be converted to ground (surface) using the TxDOT county published combined scale factor of 1.000040000 (e.g. grid x 1.000040000 = surface).

SCHEDULE D

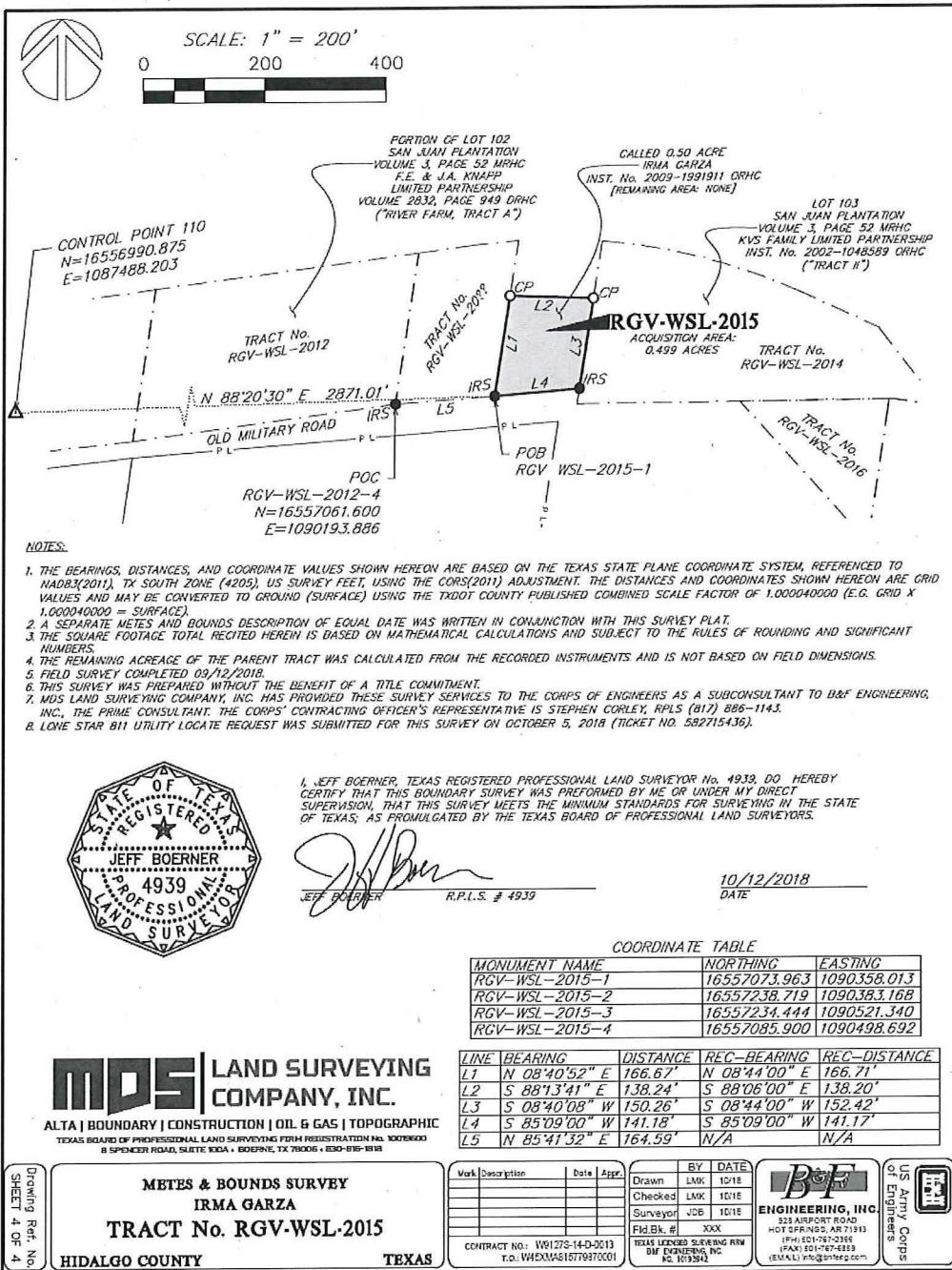
SCHEDULE D

MAP or PLAT



LAND TO BE CONDEMNED

Tract: RGV-WSL-2015
Owner: Irma Garza, et al.
Acreage: 0.499

SCHEDULE D (CONTINUED)**LAND TO BE CONDEMNED**

Tract: RGV-WSL-2015

Owner: Irma Garza, et al.

Acreage: 0.499

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Hidalgo County, Texas

Tract: RGV-WSL-2015
Owner: Irma Garza, et al.
Acres: 0.499

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

SCHEDULE

F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is NINETEEN THOUSAND FIVE HUNDRED DOLLARS AND NO/100 (\$19,500.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Irma Garza [REDACTED]	Warranty Deed, Document #2009-1991911; Recorded April 23, 2009, Official Records of Hidalgo County
Pharr, Texas 78577	
	Warranty Deed, Document #2000-878246; Recorded June 6, 2000, Official Records of Hidalgo County
	Quit-Claim Deed, Document #2012-2333442; Recorded August 9, 2012, Official Records of Hidalgo County
	Quit-Claim Deed, Document #2012-2333441; Recorded August 9, 2012, Official Records of Hidalgo County
	Quit-Claim Deed, Document #2012-2279791; Recorded February 10, 2012, Official Records of Hidalgo County
	Quit-Claim Deed, document #2012-2279790; Recorded February 10, 2012 Official Records of Hidalgo County
	Quit-Claim Deed, Document #1981-28284; Recorded August 19, 1981, Official Records of Hidalgo County
The Unknown Heirs of Nancy Champion	Warranty Deed, Document #1939-27652; Recorded July 3, 1939, Deed Records of Hidalgo County

<p>The Unknown Heirs of Pedro Garza, Sr.,</p> <p>Hidalgo County Pablo (Paul) Villarreal, Jr. Tax Assessor-Collector 2804 S. Business Hwy. 281 Edinburg, TX 78539</p> <p>John Edward Serna [REDACTED] Edinburg, TX 78542-4732</p> <p>David Simon Serna Address Unknown</p> <p>Kathleen Serna [REDACTED] Houston, TX 77035-5302</p> <p>Maria Lennon [REDACTED] Katy, TX 77494-5685</p> <p>Alma Franco [REDACTED] Katy, TX 77494-3159</p> <p>Martina Babine [REDACTED] Houston, TX 77042-2126</p> <p>Baltazar Garza [REDACTED] Katy, TX 77493-3631</p> <p>K. Daniella Garza [REDACTED] Edinburg, TX 78542-3514</p> <p>Gabriel Garza [REDACTED] McAllen, TX 78503-8714</p>	<p>Warranty Deed, Document #1954-1028; Recorded January 29, 1954, Deed Records of Hidalgo County</p> <p>Property Taxes</p>
---	--

Maria Eliza Roman

[REDACTED]
Alton, TX 78573

Graciela De La Rosa

[REDACTED]
Indianapolis, IN 46222

Gloria Torres

Address Unknown

Esmeralda Puente

[REDACTED]
San Juan, TX 78589-3032

Jose Luis Puente

[REDACTED]
Harlingen, TX 78552

Debra Puente

[REDACTED]
Harlingen, TX 78552

David Puente

[REDACTED]
Pharr, TX 78577

Maria Gloria Nieto

[REDACTED]
Pharr, TX 78577

Rogelio Garza

Address Unknown

Christina Garza

[REDACTED]
Kerman, CA 93630

Israel Garza, Jr.

[REDACTED].
Kerman, CA 93630

Rosa Linda Garza aka Rosa Linda Fierro

Address Unknown

Eliberto Garza Address Unknown	
Oralia Garza Address Unknown	
Benjamin Fierro, Jr. Address Unknown	
Victoria Ann Garza Address Unknown	
Irma Garza Address Unknown	
Noelia Alanis Address Unknown	
Rogelio Alanis Address Unknown	
Alberto Alanis Address Unknown	
David Alanis Address Unknown	
Rosa Linda Alanis aka Rosa Linda Martinez Address Unknown	
Crispin Trevino, Jr. Address Unknown	
Guadalupe Trevino Address Unknown	
Federico Trevino Address Unknown	
Rene Trevino Address Unknown	
Alberto Trevino Address Unknown	

Roberto Trevino
Address Unknown

Yolanda Alvarado
Address Unknown

San Juanita Gomez
Address Unknown

Petra Rosales

[REDACTED]
Edinburg, TX 78542

Chita Villegas

[REDACTED]
Kenedy, TX 78119-2501

Nancy Villegas

[REDACTED]
Katy, TX 77449

Connie Villegas

[REDACTED]
San Jose, CA 95125

Angelita Garza

[REDACTED]
San Ysidro, CA 92173

Maria Villegas

[REDACTED]
San Martin, CA 95203

Lupe Villegas

[REDACTED]
Fallon, NV 89406

Loreto Villegas

[REDACTED]
Goliad, TX 77963

Richard Villegas

[REDACTED]
San Martin, CA 95203

**Catalino Villegas aka Catarina Villegas
aka Blu Tanori Villegas**

Address Unknown

Luis Angel Quinones Garza

[REDACTED]
Gillett, WI 54124-9600

Marie Elena Garza Huntly

[REDACTED]
Corozal Town, Belize
Central America

Eloisa Garza Prescott

[REDACTED]
Murray, KY 42071

Jesus Gabriel Quinones Garza

[REDACTED] [REDACTED]
Madison, WI 53716

Jose Angel Quinones Garza

[REDACTED]
Idaho Falls, ID 83401

Andres Garza

[REDACTED] [REDACTED]
Mishawaka, IN 46545

Lydia Anita Garza Campbell

[REDACTED]
Flushing, MI 48433

Manuel Garza, Jr.

[REDACTED]
Poartage, MI 49024

Ramon Garza, Jr.

[REDACTED]
c/o New Castle Correctional Institution

[REDACTED]
New Castle, IN 47362

Anthony Garza

[REDACTED] [REDACTED]
Martinsville, IN 46151

Lydia Rodea

[REDACTED] [REDACTED]
Lansing, MI 48936-2317

Gino Montes

[REDACTED]
McAllen, TX 78502

John Villegas

Address Unknown

Theresa Villegas

[REDACTED]
San Jose, CA 95122

Raymond Nunez, Jr.

Address Unknown

Rebecca Coronado

[REDACTED]
Karnes City, TX 78118

Joanna Montes

[REDACTED]
Victoria, TX 77901

Chelsea Gonzalez

[REDACTED]
Stockdale, TX 78160

Adrian Fernandez

Address Unknown

Christopher Villegas

Address Unknown

Anthony Garza

[REDACTED] [REDACTED]
Martinsville, IN 46151

Lydia Rodea

[REDACTED] [REDACTED]
Lansing, MI 48936-2317

Gino Montes

[REDACTED]
McAllen, TX 78502

John Villegas

Address Unknown

Theresa Villegas

[REDACTED]
San Jose, CA 95122

Raymond Nunez, Jr.

Address Unknown

Rebecca Coronado

[REDACTED]
Karnes City, TX 78118

Joanna Montes

[REDACTED]
Victoria, TX 77901

Chelsea Gonzalez

[REDACTED]
Stockdale, TX 78160

Adrian Fernandez

Address Unknown

Christopher Villegas

Address Unknown

Rolando H. Martinez

[REDACTED]
Houston, TX 77093

Yolanda Gonzales

[REDACTED]
Houston, TX 77040

Juan Martinez, III

[REDACTED]
Houston, TX 77093

Adrian Martinez

[REDACTED]
Houston, TX 77084

Andrew Martinez

[REDACTED]
Houston, TX 77084

Laurie Gonzalez

[REDACTED]
Beeville, TX 78102

Miguel Puente

Address Unknown

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (*Firm Name, Address, and Telephone Number*) _____

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
 THE TRACT OF LAND INVOLVED.

Attorneys (*If Known*) _____

II. BASIS OF JURISDICTION (*Place an "X" in One Box Only*)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question
<i>(U.S. Government Not a Party)</i> |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
<i>(Indicate Citizenship of Parties in Item III)</i> |

III. CITIZENSHIP OF PRINCIPAL PARTIES (*Place an "X" in One Box for Plaintiff and One Box for Defendant*)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (*Place an "X" in One Box Only*)

[Click here for: Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 893 Environmental Matters
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (*Place an "X" in One Box Only*)

- | | | | | | | |
|--|---|--|---|---|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (<i>specify</i>) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|--|---|--|---|---|--|---|

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*): _____

VI. CAUSE OF ACTION

Brief description of cause: _____

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

**VIII. RELATED CASE(S)
IF ANY**

(See instructions): _____

JUDGE _____

DOCKET NUMBER _____

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.